



February 4, 2015

SENATE BILL No. 398

DIGEST OF SB 398 (Updated February 3, 2015 10:55 am - DI 103)

Citations Affected: IC 35-33.

Synopsis: School bus stop arm violations. Provides that a law enforcement officer may arrest a person when the officer has probable cause to believe that the person has committed a misdemeanor by recklessly passing a school bus when the arm signal device of the bus is in the extended position. (Current law requires the officer to have probable cause to believe that the person is committing or attempting to commit the misdemeanor in the officer's presence.)

Effective: July 1, 2015.

Bassler, Ford

January 12, 2015, read first time and referred to Committee on Homeland Security & Transportation.
February 3, 2015, reported favorably — Do Pass.

SB 398—LS 6717/DI 103



February 4, 2015

First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 398

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-33-1-1, AS AMENDED BY P.L.226-2014(ts),
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 1. (a) A law enforcement officer may arrest a
4 person when the officer has:
5 (1) a warrant commanding that the person be arrested;
6 (2) probable cause to believe the person has committed or
7 attempted to commit, or is committing or attempting to commit,
8 a felony;
9 (3) probable cause to believe the person has violated the
10 provisions of **IC 9-21-8-52(b)**, IC 9-26-1-1.1, or IC 9-30-5;
11 (4) probable cause to believe the person is committing or
12 attempting to commit a misdemeanor in the officer's presence;
13 (5) probable cause to believe the person has committed a:
14 (A) battery resulting in bodily injury under IC 35-42-2-1; or
15 (B) domestic battery under IC 35-42-2-1.3.
16 The officer may use an affidavit executed by an individual alleged

SB 398—LS 6717/DI 103



to have direct knowledge of the incident alleging the elements of the offense of battery to establish probable cause;

(6) probable cause to believe that the person violated IC 35-46-1-15.1 (invasion of privacy);

(7) probable cause to believe that the person violated IC 35-47-2-1 (carrying a handgun without a license) or IC 35-47-2-22 (counterfeit handgun license);

(8) probable cause to believe that the person is violating or has violated an order issued under IC 35-50-7;

(9) probable cause to believe that the person is violating or has violated IC 35-47-6-1.1 (undisclosed transport of a dangerous device);

(10) probable cause to believe that the person is:

(A) violating or has violated IC 35-45-2-5 (interference with the reporting of a crime); and

(B) interfering with or preventing the reporting of a crime involving domestic or family violence (as defined in IC 34-6-2-34.5);

(11) probable cause to believe that the person has committed theft (IC 35-43-4-2);

(12) a removal order issued for the person by an immigration court;

(13) a detainer or notice of action for the person issued by the United States Department of Homeland Security; or

(14) probable cause to believe that the person has been indicted for or convicted of one (1) or more aggravated felonies (as defined in 8 U.S.C. 1101(a)(43)).

(b) A person who:

(1) is employed full time as a federal enforcement officer;

(2) is empowered to effect an arrest with or without warrant for a violation of the United States Code; and

(3) is authorized to carry firearms in the performance of the person's duties;

may act as an officer for the arrest of offenders against the laws of this state where the person reasonably believes that a felony has been or is about to be committed or attempted in the person's presence.



COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security & Transportation, to which was referred Senate Bill No. 398, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 398 as introduced.)

YODER, Chairperson

Committee Vote: Yeas 9, Nays 0

SB 398—LS 6717/DI 103

